

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO**

**Clerk's Minutes  
Before the Honorable Kenneth J. Gonzales**

**CASE NO.:** CR 19-4184 KG      **DATE:** 9/10/2020

**Time in court:** 33 minutes

**TITLE:** United States v. HERNANDEZ, et al.

**COURTROOM CLERK:** Chris Eubanks    **COURT REPORTER:** Danna Schutte Everett

( ) Albuquerque    ( X ) Las Cruces    ( ) Santa Fe    ( ) Roswell

( ) Bench warrant ordered      **INTERPRETER:** NONE

<b><u>ATTORNEYS PRESENT FOR PLAINTIFF(S):</u></b> Maria Armijo Ryan Ellison	<b><u>ATTORNEYS PRESENT FOR DEFENDANT(S):</u></b> Cori Ann Harbour-Valdez (for D. Hernandez) Amanda Skinner (for S. Padilla) Stephanie Wolf (for S. Padilla)
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**TYPE OF PROCEEDING:** Status Conference

**EVIDENTIARY:** No

**PROCEEDINGS:**

**9:32 a.m. Court in Session**

Court: Counsel appearances via Zoom video conference. Defendants are not present.

Inquires of counsel as to status of case.

Ms. Armijo: Responds. Discovery is complete. Ready to proceed to trial, contact with victims. Need a week for Government's case-in-chief, 4 to 5 days, including jury selection.

Court: Explains process for jury selection.

Ms. Armijo: With jury selection, maybe 5 – 6 days.

Ms. Harbour-Valdez: Conference call scheduled this afternoon; may ask for defendant to be transported to courthouse to review discovery; not ready for trial in October.

Court: Inquires as to discovery for defendant to review.

Ms. Harbour-Valdez: Defendant has copies; would need to review videos.

Court: Allowing transport not in all cases but in certain circumstances. Amenable to transport. Need plenty of notice to coordinate.

Ms. Skinner: Responds. Has met with defendant. Have asked for next meeting to meet in a room to be able to show videos. Will file motion to continue for 60 days; not ready for an October trial setting. Ms. Harbour-Valdez is in agreement but does not position of Government.

Court: Expecting trial in December.

Ms. Skinner: Correct; responds.

Court: Inquires of Ms. Harbour-Valdez as to a December trial.

Ms. Harbour-Valdez: December would be better than October. Still need defendant to view the video and hear the audios. Form 13 PSR was prepared.

Court: Inquires of Ms. Armijo as to a continuance.

Ms. Armijo: Responds; conflict with trial setting with other cases for trials; cases need to be tried before this case. Do not want to push this into December and do not oppose but concerned with the other two cases that need to go earlier. Does not oppose a continuance but concerned.

Court: Inquires of Ms. Harbour-Valdez.

Ms. Harbour-Valdez: Not in position to go to trial in Noack case; medical; defendant understands the delays and does not want new counsel.

Court: Immediate question in this case as to a motion to continue; should be joint and unopposed, and move from October to December, inclined to grant. Counsel need to be able to meet with clients, and allowed meetings at the courthouse. Will continue motion made in open court, states reasons on the record. Asks Ms. Skinner to file a motion and an order will be entered.

Ms. Skinner: Clarification as to a 60-day continuance.

Court: That is what is being asked, so it will be for 60-days. Not inclined to grant another motion. Expectation for trial in December. Will give counsel plea agreement deadline. Pending motions. Inquires if any other substantive motions will be filed.

Ms. Wolf: Does not anticipate any substantive motions at this point.

Ms. Harbour-Valdez: Too early at this point, but do not anticipate any substantive motions, other than trial motions.

Ms. Armijo: Does not any substantive motions.

Court: Anything else.

Ms. Harbour-Valdez: If a plea agreement deadline is set, asks for the Government to provide a plea agreement well ahead of that deadline.

Court: Not in position to require Government to offer a plea agreement; explains.

Ms. Harbour-Valdez: Inquires as to the proposed plan been adoptive.

Court: It has. Addresses hearings and trials held since March. Trial will be in Sierra Blanca Courtroom. Invites counsel to view the courtroom to see the new layout.

Ms. Armijo: Nothing else.

Ms. Skinner: Addresses December date; scheduled travel plans out of the country and will return on December 2. Quarantine requirements if travel happens.

Ms. Armijo: Responds as to travel, quarantine and holidays. May need a 90-day continuance, set for firm date with no further continuances.

Court: January trial is not an option. Discusses travel plans. December 7 trial.

Ms. Skinner: Responds.

Court: Operating within a small window of time for trial in December. Granted motion for 60 days. Mentioned December 7, other considerations. Will look closer in December for days. Inquires if trial will be 10 days.

Ms. Skinner: Would say 9 days to be safe.

Ms. Harbour-Valdez: Agree with that, 9 or 10 total.

Court: Need time for jury deliberation. Will set in December.

Mr. Ellison: Inquires as to trial weeks in month of November.

Court: No prepared to answer. Will set status conferences for other two cases.

**10:05 a.m. Court in Recess**